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9 THERESA HONG, M.D.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 THERESA HONG, M.D.,

13 Plaintiff,

14 v.

15 AXA EQUITABLE LIFE INSURANCE
16 COMPANY

17 Defendant.

Case No. 3:18-cv-04039

(Honorable Jon S. Tigar)

**STIPULATION AND ~~PROPOSED~~ ORDER
TO MODIFY BRIEFING SCHEDULE FOR
DEFENDANT'S MOTION TO DISMISS**

Hearing Date: October 25, 2018

Time: 2:00 p.m.

Courtroom: 9

Complaint Filed: July 6, 2018

STIPULATION

Pursuant to Rule 6-1(b) of the Local Rules of Practice for the United States District Court for the Northern District of California, Plaintiff Theresa Hong, M.D. ("Plaintiff") and Defendant AXA Equitable Life Insurance Company ("Defendant"), by and through their respective counsel, hereby stipulate to modify the existing briefing schedule by extending the date for the filing of Plaintiff's Opposition and Defendant's Reply by ten days. The proposed modification will ***not*** affect the hearing date, nor will it shorten the time between the briefing and the hearing date to less than statutory notice.

Defendant served its Motion to Dismiss on August 27, 2018. Under Local Rule 7-3(a) and the Court's Standing Order, Plaintiff's Opposition to the Motion to Dismiss is due on or before 5 pm on September 10, 2018 and Defendant's Reply is due on or before 5 pm on September 17, 2018.

Pursuant to Local Rule 6-1(a), Plaintiff has requested, and Defendant has agreed to extend the filing dates for the Opposition and the Reply by ten days such that Plaintiff's Opposition is due on **September 20, 2018** and Defendant's Reply is due on **October 4, 2018** (both by 5pm). The hearing date of October 25, 2018 will remain.

Good cause exists for this modification for the following reasons: On September 7, Plaintiff's counsel discovered that the draft Opposition to Defendant's motion had been "corrupted" and that her work product was lost. Plaintiff's counsel is unable to recreate the Opposition by the current September 10 deadline. Plaintiff's counsel proposes, and Defendant's counsel courteously agrees, to extend the filing dates for both the Opposition and Reply in order to provide Plaintiff's counsel with sufficient time to prepare an Opposition. The agreed upon dates also take into consideration defense counsel's current schedule and commitments and maintain the standard notice for the Court's review in advance of the hearing.

IT IS SO STIPULATED.

1 Dated: September 7, 2018

THE GREY LAW FIRM, P.C.

2 By: /s/ Rebecca Grey
3 Rebecca Grey
4 Attorney for Plaintiff
THERESA HONG

5 Dated: September 7, 2018

HINSHAW & CULBERTSON LLP

6 By: /s/ Misty A. Murray
7 Martin E. Rosen
8 Misty A. Murray
9 Attorneys for Defendant
AXA EQUITABLE LIFE INSURANCE
COMPANY

10
11
12 **Signature Attestation**


13 Pursuant to Local Rule 5-1(a), I hereby certify that the content of this document is
14 acceptable to Misty A. Murray, counsel for Defendant, and that I have obtained Ms. Murray's
authorization to affix his electronic signature to this document.

15 /s/ Rebecca Grey
16 Rebecca Grey

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19 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

- 20 1. The deadline for Plaintiff to respond to the Motion to Dismiss is extended from
21 September 10, 2018 to September 20, 2018.
22 2. The deadline for Defendant to reply to Plaintiff's Opposition to Motion to Dismiss is
23 extended from September 17, 2018 to October 4, 2018.

24
25 DATED: September 11, 2018

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27 JON S. TIGAR
28 United States District Judge